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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,852	03/10/2004	Brian Taraci	74200.926CIP	3730

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EXAMINER	
KRISHNAN, VIVEK V	

ART UNIT	PAPER NUMBER
2445	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/797,852	TARACI, BRIAN	
	Examiner	Art Unit	
	Vivek Krishnan	2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 May 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *38-52* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *38-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the Request for Continued Examination filed on May 13, 2009.

Claims 38-52 are pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 13, 2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to Claim Objections have been fully considered and are persuasive. The objections to claims 47-50 and 52 have been withdrawn.

3. Applicant's arguments with respect to Claim Rejections under 35 U.S.C. 112, first paragraph, have been fully considered and are persuasive. The rejections of claims 38-52 have been withdrawn.

4. Applicant's arguments filed with respect to Claim Rejections under 35 U.S.C. 103(a) have been fully considered but they are not persuasive.

As to Applicant's arguments with respect to Claims 38 and 46:

a. Applicant argues Elson does not disclose an apparatus for providing universal web access functionality to one or more electronic devices.

Examiner respectfully disagrees. As will be shown in the discussion of the claimed limitations below, this is described in Elson. Furthermore, the recitation is not given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

b. Applicant argues that Elson does not disclose a first of a plurality of configurable Input/Output ports configured to communicate with a first controllable electronic device, said first controllable electronic device configured to be controllable by a first control signal and to transmit status information about said first controllable electronic device.

Examiner respectfully disagrees. Please note that Examiner has restructured citations/descriptions for clarification. As rejected below, Elson discloses a first of said plurality of configurable Input/Output ports configured to communicate with a first controllable electronic device (Elson; Figures 30-32; ports communicating with controllable electronic devices such as cell phones, GPS, remote platform, etc), said first controllable electronic device configured to be controllable by a first control signal (Elson; paragraphs 141, 145, 147, 218-219; resource

controlled by requests) and to transmit status information about said first controllable electronic device (Elson; Figure 11, paragraphs 145, 147; resource status).

c. Applicant argues that Elson does not disclose a pass through service configured to define a bi-directional path between said first of said plurality of configurable Input/Output ports and said second of said plurality of configurable Input/Output ports to enable the transmission of said first control signal received from said first controller at said second of said plurality of configurable Input/Output ports through said first of said plurality of configurable Input/Output ports to said first controllable electronic device without requiring any re-programming of said first controller. Applicant argues that the Examiner asserts that the applications disclosed in Elson are the claimed first controller.

Examiner respectfully disagrees. The PDA in Figures 30-32 of Elson anticipates the first controller. Elson (paragraphs 141, 145, 147, 218-219, and 227) describes a gateway proxy, or pass through service, used to pass through requests from a controller to a controlled device, without reprogramming the controller, i.e. the pass through service manages the session. The application described in Elson is part of the software logic used to determine how to transfer the control signal from the controller to the controlled device.

d. Applicant argues that there is no motivation to combine Venkatraman and Elson because Venkatraman discloses embedded web access functionality within a device.

Examiner respectfully disagrees. Venkatraman (Figures 2-3, column 1 lines 62-67 and column 2 lines 1-29) describes web server with web page to provide status information about resources through a web server that is separate from the device.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 38-41, 43-48, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0014521 to Elson et al. (hereinafter "Elson") and further in view of U.S. Patent No. 6,139, 177 to Venkatraman et al. (hereinafter "Venkatraman").

7. As to Claims 38 and 46, Elson discloses an apparatus and method for providing universal web access functionality to one or more electronic devices comprising:

a plurality of configurable Input/Output ports (Elson; Figures 30-32; ports);

a first of said plurality of configurable Input/Output ports configured to communicate with a first controllable electronic device (Elson; Figures 30-32; ports communicating with controllable electronic devices such as cell phones, GPS, remote platform, etc), said first

controllable electronic device configured to be controllable by a first control signal (Elson; paragraphs 141, 145, 147, 218-219; resource controlled by requests) and to transmit status information about said first controllable electronic device (Elson; Figure 11, paragraphs 145, 147; resource status);

a second of said plurality of configurable Input/Output ports configured to communicate with a first controller (Elson; Figure 30-32; ports communicating with controller devices such as a PDA), said first controller configured to transmit said first control signal (Elson; paragraphs 141, 145, 147, 218-219; transmitting request to controlled device from PDA via Gateway Proxy);

a pass through service configured to define a bi-directional path between said first of said plurality of configurable Input/Output ports and said second of said plurality of configurable Input/Output ports to enable the transmission of said first control signal received from said first controller at said second of said plurality of configurable Input/Output ports through said first of said plurality of configurable Input/Output ports to said first controllable electronic device without requiring any re-programming of said first controller (Elson; Figures 30-32, paragraphs 141, 145, 147, 218-219, and 227; passing control signals between PDA and resource);

Elson does not explicitly disclose, however Venkatraman discloses a web server configured to serve a web page providing said status information about said first controllable electronic device (Venkatraman; Figures 2-3, column 1 lines 62-67 and column 2 lines 1-29; web server with web page to provide status information about resources).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a contention manager, as disclosed by Elson, to include a web server, as

disclosed by Venkatraman, in order to provide web access functionality to a device (Venkatraman; column 1 lines 62-67 and column 2 lines 1-29).

8. As to Claim 39, Elson and Venkatraman disclose each and every limitation of Claim 38. Elson further discloses a contention manager managing access to said first of said plurality of configurable Input/Output ports (Elson; paragraphs 3, 114-116, and 147-148; resource manager).

9. As to Claim 40, Elson and Venkatraman disclose each and every limitation of Claim 39. Elson further discloses wherein said contention manager is configured to prevent access by one or more services to said first of said plurality of configurable Input/Output ports while a control signal received from said first controller via said second of said plurality of configurable Input/Output ports is being passed through to said first of said plurality of configurable Input/Output ports (Elson; paragraphs 3, 114-116, 140, and 147-148, preventing simultaneous access).

10. As to Claim 41, Elson and Venkatraman disclose each and every limitation of Claim 40. Elson further discloses wherein said one or more services comprise an event monitoring service for monitoring a status of said first controllable electronic device (Elson; paragraphs 3, 114-116, 145, and 147-148; monitoring status of resource).

11. As to Claim 43, Elson and Venkatraman disclose each and every limitation of Claim 38. Elson further discloses a pass-through service for configuring said first and second of said

plurality of configurable Input/Output ports such that signals received at said second of said plurality of configurable Input/Output ports are passed through to said first of said plurality of configurable Input/Output ports (Elson; paragraphs 3, 114-116, 140, and 147-148).

12. As to Claim 44, Elson and Venkatraman disclose each and every limitation of Claim 38. Elson further discloses wherein said first and second configurable Input/Output ports are configured as serial Input/Output ports (Elson; paragraphs 251, 253, and 259; serial ports).

13. As to Claim 45, Elson and Venkatraman disclose each and every limitation of Claim 38. Venkatraman further discloses wherein said web server is configured to receive control information for controlling said first controllable electronic device via said web page (Venkatraman; Figures 2-3, column 1 lines 62-67 and column 2 lines 1-29; web server receives information to control resource).

14. As to Claim 47, Elson and Venkatraman disclose each and every limitation of Claim 46. Elson further discloses configuring said web access apparatus to prevent access to said first and second of said plurality of configurable Input/Output ports by other services when a signal is being passed from said first of said plurality of Input/Output ports to said second of said plurality of Input/Output ports (Elson; paragraphs 3, 114-116, 140, and 147-148, preventing simultaneous access).

15. As to Claim 48, Elson and Venkatraman disclose each and every limitation of Claim 46. Elson further discloses configuring said web access apparatus to prevent access to said first and second of said plurality of configurable Input/Output ports by other services when a signal is being passed from said second of said plurality of Input/Output ports to said first of said plurality of Input/Output ports (Elson; paragraphs 3, 114-116, 140, and 147-148, preventing simultaneous access).

16. As to Claim 52, Elson and Venkatraman disclose each and every limitation of Claim 46. Venkatraman further discloses configuring said web access device to receive control information for controlling said first controllable electronic device via said web page (Venkatraman; Figures 2-3, column 1 lines 62-67 and column 2 lines 1-29; web server receives information to control resource).

17. Claims 42 and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elson and Venkatraman as applied to Claim 38 and 46 above, and further in view of U.S. Patent No. 6,192,422 to Daines et al. (hereinafter "Daines").

18. As to Claim 42, Elson and Venkatraman disclose each and every limitation of Claim 38. Elson and Venkatraman do not explicily disclose, however Daines discloses a buffer configured to temporarily store signals received at one or more of said plurality of configurable Input/Output ports (Daines; Abstract; buffers associated with input/output ports to store signals).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Input/Output ports, as disclosed by Elson, to include buffers, as disclosed by Daines, in order to manage congestion.

19. As to Claim 49, Elson and Venkatraman disclose each and every limitation of Claim 46. Elson and Venkatraman do not explicily disclose, however Daines discloses configuring a buffer to temporarily store said control signal received at said first of said plurality of configurable Input/Output ports (Daines; Abstract; buffers associated with input/output ports to store signals).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Input/Output ports, as disclosed by Elson, to include buffers, as disclosed by Daines, in order to manage congestion.

20. As to Claim 50, Elson and Venkatraman disclose each and every limitation of Claim 46. Elson and Venkatraman do not explicily disclose, however Daines discloses configuring a buffer to temporarily store said status information received at said second of said plurality of configurable Input/Output ports (Daines; Abstract; buffers associated with input/output ports to store signals).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Input/Output ports, as disclosed by Elson, to include buffers, as disclosed by Daines, in order to manage congestion.

21. As to Claim 51, Elson, Venkatraman, and Daines disclose each and every limitation of Claim 49. Daines further discloses configuring said buffer to provide said status information to an event monitoring service (Daines; Abstract; buffers associated with input/output ports to store signals).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Krishnan whose telephone number is (571) 270-5009. The examiner can normally be reached on Monday through Friday from 9:00 AM to 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. K./
Examiner, Art Unit 2445

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445